

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEMTRON CORPORATION,

Plaintiff,

-vs-

Case No. 1:04-0387
Hon: AVERN COHN

SAINT-GOBAIN CORPORATION,

Defendant.

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TRIAL ORDER

This is a patent case. At issue is the question of infringement by defendant's SG16 shelf of Claim 23 of plaintiff's U.S. Patent No. 6,679,573, Refrigerator Shelf. This Order relates to the trial.

1. Liability and damages are bifurcated. The initial trial will be on liability. Damages and willfulness will be tried subsequently to the same jury approximately sixty (60) days after the liability trial.
2. The requirements for Joint Pretrial Statement (Requirements) under E.D. Mich. LR 16.2 (attached as Exhibit A) shall be observed.
3. Discovery and related matter as described in Fed. R. Civ. P. 16(b) are completed except as noted on the record at the status conference on December 18, 2007.
4. Each party as part of the Statement shall include under a separate heading a numerical listing of their exhibits and shall lodge with the Court

a copy of each exhibit in an exhibit book. Except for good cause shown no exhibit may be introduced at trial unless it has been so listed with the exception of exhibits used solely for impeachment or rebuttal.

5. As to deposition testimony to be offered, all irrelevant and redundant matters and all colloquy between counsel shall be excluded. Each party will be expected to file before trial a statement of any objections to the receipt in evidence of deposition testimony identifying the parts objected to and the grounds for the objections.
6. In completing the Statement and in complying with this order the parties shall assure that:
 - (a) The number of witnesses and exhibits listed are not excessive.
 - (b) Irrelevant and cumulative matters are avoided.
7. The final pretrial conference will be held in Detroit on **January 14, 2008 at 2:00 p.m.**
8. Jury trial shall commence in Lansing on **January 22, 2008 at 9:00 a.m.**
9. The Court is available by pre-arrangement with the Case Manager by telephone conference call to assist in informal resolution of pretrial issues and/or problems.
10. This Trial Order supercedes all previous pretrial and scheduling orders and amendments thereto.

11. Any objections to this Trial Order shall be lodged with the Court within three (3) days.

12. The Court's trial requirements are attached hereto as **Exhibit B**.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: December 19, 2007

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, December 19, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160